

Order

Michigan Supreme Court
Lansing, Michigan

December 11, 2009

Marilyn Kelly,
Chief Justice

139413

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 139413
COA: 283954
Ingham CC: 07-000500-FH

LEDELL MARVIN MUSHATT,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 23, 2009 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(H)(1). We ORDER the Ingham Circuit Court, utilizing a procedure analogous to that described in Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint attorney Michael A. Faraone, if feasible, to represent the defendant in this Court. If the defendant is not indigent, he must retain his own counsel. At oral argument, the parties shall address whether offense variable 3 was scored in accordance with *People v McGraw*, 484 Mich 120 (2009). The parties may file supplemental briefs within 42 days of the appointment of appellate defense counsel, but they should not submit mere restatements of their application papers.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 11, 2009

Corbin R. Davis

Clerk